

13-732005

Supplement No  
ORIG

## ANNE ARUNDEL COUNTY POLICE DEPARTMENT DRAFT



8495 VETERANS HIGHWAY  
MILLERSVILLE, MD 21108

Phone  
410-222-8050  
Fax

Reported Date  
08/20/2013  
Report Type  
DWI/DUI  
Member#/Dept ID#  
PEACOCK, R.

## Administrative Information

Agency ANNE ARUNDEL COUNTY POLICE DEPARTMENT				Report No 13-732005		Supplement No ORIG		Reported Date 08/20/2013		Reported Time 00:42	
Status Report to follow				Report Type DRIVING UNDER THE INFLUENCE							
Location EB RT100/EDWIN RAYNOR BL									City Pasadena		
ZIP Code 21122		RD 670046		Dist 03		Post 3C1		From Date 08/20/2013		From Time 00:42	
Member#/Dept ID# P1826/PEACOCK, R.						Assignment Eastern Platoon 4			Entered By P1826		
Assignment Eastern Platoon 4				Approving Officer				Approval Date		Approval Time	

## Person Summary

Invl ARR		Invl No 1		Type I		Name DWYER, DONALD HARRISON JR				MNI 154279	
Race W		Sex M		DOB [REDACTED]							

## Vehicle Summary

Invl DUI		Type 1		License No [REDACTED]		State MD		Lic Year 2013		Year 2001		Make CADI		Model DEV		Style 4D		Color GRY	
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## Arrestee 1: DWYER, DONALD HARRISON JR

Involvement	Invl No	Type						
Arrestee	1	Individual						
Name	DWYER, DONALD HARRISON JR					MNI	Race	Sex
						154279	White	Male
DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color	Skin	
	55	No	6'00"	185#	Brown	Blue	Fair	
Type	Address							
Home	16 TWICKENHAM RD							
City	State	ZIP Code	Date					
Pasadena	Maryland	21122	08/20/2013					
Phone Type	Phone No	Date						
Cell		08/20/2013						
Alias Name	DWYER, DONALD HARRISON JR					Race	Sex	DOB
						White	Male	
Employer/School	STATE LEGISLATOR							
Involvement	Arrest Type	Arrest Date	Arrest Time	Booking No	Book Date	Book Time	Status	
Arrested	Arrested	08/20/2013	00:42:00	13-10031	08/20/2013	01:15:00	Booked	
Arrest Location							City	
EB RT100/EDWIN RAYNOR BL							Pasadena	
Multi-arrests								
Count arrestee								
Charge	Level	Charge Literal						
0000	M	DRIVE WHILE INTOXICA						

## Vehicle:

Involvement	Type	License No	State	Lic Year	Year	Make
Vehicle/Vessel involved in DUI	Auto		Maryland	2013	2001	Cadillac
Model	Style	Color	VIN			
DeVille	4-door Automobile	Gray				

## Narrative

On 8/20/13 at approximately 0042 hours, I responded to the area of Rt. 100 East and Edwin Raynor Blvd to back up Ofc. Moorhouse #1880, on a traffic stop. Upon arrival I spoke with Ofc. Moorhouse who advised that he was transporting a prisoner when he observed the vehicle stopped commit numerous traffic violations in a short period of time that posed an immediate safety risk for all other drivers on the roadway. Ofc. Moorhouse concluded that although he was transporting a prisoner, he felt that the violations were serious enough that a traffic stop needed to be made to prevent possible injury to the driver of the vehicle and/or the other drivers on the roadway if an accident should occur. The vehicle stopped was a Gray, 2001 Cadillac Sedan displaying a Maryland House of Delegates Registration 91. (See supplement submitted by Ofc. Moorhouse detailing the events prior to the stop).

I approached the driver side of the vehicle and spoke with the operator who identified himself with his Maryland Drivers License as the vehicle owner, Donald Harrison Dwyer Jr, DOB: [REDACTED] immediately noticed a strong odor of an alcoholic beverage coming from his breath and person. I identified myself to Dwyer and advised him of the reason for this traffic stop. Dwyer also provided me with the vehicle registration and advised that he is a representative from the House of Delegates and that the vehicle is registered to him. I asked Dwyer if he had anything to drink and he stated that he had two beers earlier in the evening. I asked Dwyer where he was coming from and he stated that he was coming from a tavern located in Baltimore City. While speaking with Dwyer I noticed that his eyes were red and glossy and his face was flushed. Dwyers' speech was also very slow and slurred. I then advised Dwyer that I would need him to perform a series of Standardized Field Sobriety Tests to determine if it is safe for him to drive. Dwyer agreed to perform the tests and stepped out of the vehicle as instructed. I then walked Dwyer to the rear of his vehicle. Once at the rear of the vehicle, while waiting for my next instruction, Dwyer was very unstable on his feet and had having trouble keeping his balance.

The first test was the Horizontal Gaze Nystagmus (HGN). I explained the test to Dwyer prior to him starting and he stated that he understood. Dwyer had equal tracking and equal pupil size in both eyes. He had lack of smooth pursuit in both eyes, had distinct and sustained Nystagmus at maximum deviation in both eyes and had onset of Nystagmus prior to 45 degrees in both eyes. Dwyer had to be told numerous times during the test to use his eyes only and not to turn his head when following the stimulus.

The second test was the walk and turn. I explained and demonstrated the test to Dwyer prior to him starting, and

Report Officer

P1828/PEACOCK, R.

Printed At

08/20/2013 09:49

Page 2 of 2



**ANNE ARUNDEL COUNTY POLICE DEPARTMENT DRAFT****Narrative**

he stated that he understood. During the instructional stage of the test, Dwyer had to be told several times to take his hands out of his pockets and leave his arms at his sides. During the walk and turn stage, Dwyer used his arms the entire time for balance. He stepped off the line a total of 7 times, 3 times on the way up (steps 3, 5, and 8) and 4 times on the way back (steps 2, 3, 5 and 7). Dwyer also missed touching heel to toe on every step taken as well as each occasion where he stepped off line. When Dwyer made his turn he did not complete it as demonstrated during the instructions.

The third test was the 1 leg stand. I explained and demonstrated this test to Dwyer prior to him starting and he stated that he understood. Dwyer did advise that he had an injury to his left foot and that he would need to stand on his right leg to take the test. During the test Dwyer swayed several times and used his arms the entire time to attempt to help maintain his balance. Dwyer counted to 3 when he lost his balance putting his foot down. I reminded Dwyer to pick his foot back up and continue his count until I told him to stop as I already indicated in the instructions. At which time Dwyer started his count back at 1, however this time he counted to 5 and he again lost his balance and put his foot down to keep from falling. I again had to remind Dwyer to pick his foot back up and continue his count. On his third and final attempt Dwyer lifted his foot and counted to 4 and again lost his balance putting his foot down, at which time I ended the test.

Based on my observations, Dwyer was subsequently placed under arrest at approximately 0102 hours, and transported to Eastern District for processing. Through further investigation at Eastern District I learned that the tag registered to the vehicle is Maryland [REDACTED]. After a check of the registration through the MVA data base, it showed that the registration was expired and suspended for emissions. Dwyer was charged with driving while impaired as well as numerous other traffic offences.

While at Eastern District, Dwyer was read his DR-15 advice of rights which began at approximately 0116 hours and finished at approximately 0124 hours. After being read his DR-15 advice of rights, Dwyer refused to submit to a breath test.

Dwyer was later transported to the Commissioner.

No further information is available at this time.

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**0001****ANNE ARUNDEL COUNTY POLICE DEPARTMENT DRAFT**
**8495 VETERANS HIGHWAY**  
**MILLERSVILLE, MD 21108**

 Phone  
**410-222-8050**  
 Fax

 Reported Date  
**08/20/2013**  
 Report Type  
**DWI/DUI**  
 Member#/Dept ID#  
**MOORHOUSE, M.**
**Administrative Information**

Agency <b>ANNE ARUNDEL COUNTY POLICE DEPARTMENT</b>				Report No <b>13-732005</b>	Supplement No <b>0001</b>	Reported Date <b>08/20/2013</b>	Reported Time <b>00:42</b>
Status <b>Report to follow</b>		Report Type <b>DRIVING UNDER THE INFLUENCE</b>					
Location <b>EB RT100/EDWIN RAYNOR BL</b>							City <b>Pasadena</b>
ZIP Code <b>21122</b>	RD <b>670046</b>	Dist <b>03</b>	Post <b>3C1</b>	From Date <b>08/20/2013</b>	From Time <b>00:42</b>		
Member#/Dept ID# <b>P1880/MOORHOUSE, M.</b>				Assignment <b>Eastern Platoon 4</b>		Entered By <b>P1880</b>	
Assignment <b>Eastern Platoon 4</b>		Approving Officer		Approval Date		Approval Time	

**Narrative**

On August 20, 2013 at 0042 hours, while transporting a prisoner to Eastern District Station, I observed a Cadillac four door sedan, gold in color, bearing "House Of Delegates Tag 91" driving on Rt. 100 eastbound at Oakwood Road. While behind the vehicle I observed it, without signaling, swerve abruptly from the far left lane into the right lane to overtake the vehicle in front of it. When the vehicle swerved into the right lane, it went onto the shoulder, and then back into the right lane. The vehicle then drove in the right lane for approximately one quarter of a mile, and drifted on to the shoulder and partially into the left lane several times. When reaching the Rt. 100 east and Rt. 10 south merge, I observed the vehicle swerve from the right lane, across 3 lanes of traffic, onto the left hand shoulder, and then back to the right lane. Between the Rt.10 and Rt. 100 merge area, and the stop location at Rt. 100 and Edwin Raynor Blvd. I observed the Cadillac swerve from the right lane into the left lane, approximately 4 times and also swerve onto the right hand shoulder approximately 4 times. While passing the exit ramp for Edwin Raynor Blvd, the vehicle appeared as if it was going to exit Rt. 100 onto Edwin Raynor Blvd, but did not, and drove on the solid white exit line and onto the shoulder and then back into the right lane of travel on Rt. 100 eastbound. I also observed while following the vehicle, that it was making quick jerking movements side to side with in its lane of travel and paced the vehicle from Oakwood Road to Edwin Raynor Blvd traveling 70 miles per hour in the posted 55 miles per hour zone. While following the vehicle and prior to stopping the vehicle, I notified Pfc. Peacock to start to my location because I had a possible DWI and I had a prisoner in my custody.

I conducted a traffic stop on the vehicle at Rt. 100 Eastbound near Edwin Raynor Blvd. When I approached the vehicle and made contact with the driver, I could smell a strong odor of an alcoholic beverage emanating from the passenger compartment of the vehicle. The driver then handed me his documents and was identified through his Maryland driver's license as Mr. Donald Harrison Dwyer Junior. When asked where he was coming from, Mr. Dwyer stated he was coming from Baltimore. I asked Mr. Dwyer if he had anything to drink, and he replied with "Yes, I had two beers." Mr. Dwyer's eyes were glassy and red and his speech was slow and slurred. At that time Pfc. Peacock #1826 was approaching the vehicle. I advised Pfc. Peacock, what I had observed and what the reason for the stop was. I then turned over the traffic stop to Pfc. Peacock for further investigation. I then cleared the stop and continued my prisoner transport to the Eastern District Station.